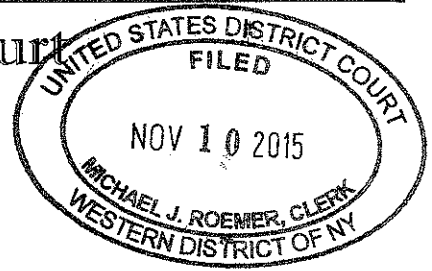


# United States District Court

for the  
Western District of New York



## In the Matter of the Search of

(Briefly describe the property to be searched or identify the person by name and address.)

- 1) Verizon 4G LTE Ellipsis tablet with IMEI# 353810082524219;
- 2) Hewlett Packard Presario V6000 laptop computer with Serial# CNF6443Q7N;
- 3) AMD FX desktop computer with no identification number, black in color;
- 4) Corsair AX750 desktop computer with no identification number, black in color;
- 5) Hewlett Packard laptop computer with Serial# CND9390V4R;
- 6) Kingston 16 GB USB thumb drive;
- 7) Seagate 500 GB hard drive with Serial# 9VMTGF1D;
- 8) LG Verizon cell phone with Serial# 501CYLH1165200;
- 9) Kingmax 64MB Micro SD card contained within a SanDisk micro to SD Adapter;
- 10) Lexar 1GB SD card;
- 11) LG Verizon cell phone with Serial# 112KPED2304348; and
- 12) 3 CD-R discs.

Case No. 15-MJ- 671

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location): 1) Verizon 4G LTE Ellipsis tablet with IMEI# 353810082524219; 2) Hewlett Packard Presario V6000 laptop computer with Serial# CNF6443Q7N; 3) AMD FX desktop computer with no identification number, black in color; 4) Corsair AX750 desktop computer with no identification number, black in color; 5) Hewlett Packard laptop computer with Serial# CND9390V4R; 6) Kingston 16 GB USB thumb drive; 7) Seagate 500 GB hard drive with Serial# 9VMTGF1D; 8) LG Verizon cell phone with Serial# 501CYLH1165200; 9) Kingmax 64MB Micro SD card contained within a SanDisk micro to SD Adapter; 10) Lexar 1GB SD card; 11) LG Verizon cell phone with Serial# 112KPED2304348; and 12) 3 CD-R discs.

located in the Western District of New York, there is now concealed (identify the person or describe the property to be seized): See Attachment B for the Items to be Seized, all of which are fruits, evidence and instrumentalities of violations of Title 18, United States Code, Section 2252A(a)(5)(B) and all of which are more fully described in the application and affidavit filed in support of this warrant, the allegations of which are adopted and incorporated by reference as if fully set forth herein.

The basis for search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of Title 18, United States Code, Section 2252A(a)(5)(B).

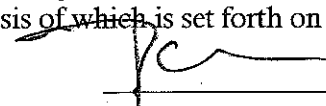
The application is based on these facts:

- ☒ continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date: November 10, 2015

City and state: Rochester, New York

  
\_\_\_\_\_  
Barry W. Couch, Special Agent  
Federal Bureau of Investigation  
\_\_\_\_\_  
Printed name and title

  
\_\_\_\_\_  
HONORABLE JONATHAN W. FELDMAN  
UNITED STATES MAGISTRATE JUDGE  
\_\_\_\_\_  
Printed name and Title

**AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT**

STATE OF NEW YORK       )  
COUNTY OF MONROE     )       SS:  
CITY OF ROCHESTER     )

I, Barry W. Couch, being duly sworn, deposes and says:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI). I have been a Special Agent for approximately seven years. I am currently assigned to the Buffalo Division, Rochester, New York, Resident Agency. My duties involve investigating federal crimes including violations of Title 18, United States Code, Section 2252A.

2. The information contained in this affidavit is based upon my personal knowledge and observation, my training and experience, conversations with other law enforcement officers and witnesses, and the review of documents and records. This affidavit is made in support of an application for a warrant to search the contents of a Verizon tablet, two Verizon cell phones, two Hewlett Packard laptop computers, an AMD desktop computer, a Corsair desktop computer, a Kingston thumb drive, a Seagate hard drive, a Kingmax micro SD card, a Lexar SD card, and three CD-R discs (hereafter, the "SUBJECT ITEMS"). The SUBJECT ITEMS are further described in Attachment A.

3. As set forth in more detail below, there is probable cause to believe that evidence, contraband, fruits and instrumentalities of violations of Title 18, United States Code, Section 2252A(a)(5)(B) (possession of child pornography) are located within the SUBJECT ITEMS.

4. Because this affidavit is being submitted for the limited purpose of establishing probable cause to secure a search warrant, I have not included every detail of the investigation.

Rather, I have set forth facts that I believe are necessary to establish probable cause to believe that evidence of violations of Title 18, United States Code, Section 2252A(a)(5)(B) are presently located within the SUBJECT ITEMS. Unless specifically indicated, all conversations and statements described in this affidavit are related in substance and in part.

### **BACKGROUND OF INVESTIGATION**

5. On October 20, 2015, the Mount Morris, New York, Police Department spoke with Cooperating Witness #1 (CW1), date of birth xx/xx/1994. CW1 advised that her boyfriend, Calvin R. Patrick, date of birth xx/xx/1981, had child pornography on his tablet and computer. CW1 advised that Patrick was on probation for possessing child pornography. CW1 also advised that about two weeks prior, she was at a local store in Mount Morris with Patrick and she asked to use his tablet. Patrick handed CW1 his tablet. When CW1 opened the tablet, it opened to the photo gallery. CW1 said she observed about fifteen photos. CW1 recalled one image of two very young females wearing tops only. One of the females appearing to be about ten years old was sitting on a nude male sucking his penis. CW1 said the other images contained similar content. CW1 became upset and immediately handed Patrick the tablet. CW1 said she had also seen an image on Patrick's "Kik" account (Kik is an online application for chatting with others) of who she believed to be a fourteen year-old girl from Florida, that was nude, and a picture of Patrick's penis sent back to the girl. CW1 stated that Patrick's Kik account name is "Forcedlovedaddy". CW1 was also aware of Patrick communicating with an eleven year-old girl from Pennsylvania and that Patrick had made comments about going to pick up the eleven-year-old and keeping her locked up in his family's milking parlor so he could do what he wants to her.

6. CW1 expressed being afraid of Patrick because recently, he had threatened to kill himself and her at his family's farm with a shot gun.

7. Mount Morris Police confirmed that Patrick is being supervised by Livingston County Probation for possessing a sexual performance by a child less than sixteen years of age.

8. On October 21, 2015, Livingston County Probation, assisted by the Mount Morris Police Department, conducted a compliance check at Patrick's residence of 14 East State Street, Apartment #6, Mount Morris, New York. At the residence, Patrick was advised of the purpose of the visit. Patrick was told it would be best to cooperate so officers did not have to "ransack" his apartment. Patrick nodded yes and stated, "The computer in the living room is what you're looking for". One of the probation officers then stated, "What's on the computer, child pornography?" Patrick then stated, "Yes". At that point, Patrick's apartment and vehicle were searched in compliance with Patrick's Probation conditions and multiple items, including the SUBJECT ITEMS, were seized.

9. Later that same day, October 21, 2015, Mount Morris Police obtained a Livingston County Court Search Warrant to search some of the SUBJECT ITEMS. After securing the search warrant, Mount Morris Police reviewed the Verizon digital tablet that was seized and observed numerous images of child pornography contained within the tablet (the other SUBJECT ITEMS were not searched). I have reviewed those images and describe some of them as follows:

- a. A picture of a prepubescent female, naked below the waist, with what appears to be an adult male's penis inserted into her anus.
- b. A picture of two, naked, prepubescent females, with their legs spread apart, exposing their vaginas.
- c. A picture of a prepubescent aged female with what appears to be an adult male's penis in her mouth.

Based upon your affiant's training and experience in the investigation of child pornography cases, these images constitute child pornography, as defined by Title 18, United States Code, Section 2256(8).

10. On October 22, 2015, I obtained the SUBJECT ITEMS from the Mount Morris Police Department with the intent of requesting a federal search warrant to search their contents and transported them to the FBI Office in Rochester, New York, where they have remained and currently are now. The items have not been further searched. It should be noted that several of the SUBJECT ITEMS that were seized and transferred over to me were not included in the above-referenced Livingston County Court search warrant: Kingmax 64 MB Micro SD card contained within a SanDisk micro to SD Adapter, Lexar 1GB SD card, LG Verizon cell phone with Serial# 112KPED2304348, and three CD-R discs.

#### **TRAINING AND EXPERIENCE**

11. Based upon my knowledge, experience, and training in child pornography investigations, and the training and experience of other law enforcement officers with whom I have had discussions, there are certain characteristics common to individuals involved in the possession of child pornography:

- a. Those who possess child pornography may receive sexual gratification, stimulation, and satisfaction from contact with children; or from fantasies they may have viewing children engaged in sexual activity or in sexually suggestive poses, such as in person, in photographs, or other visual media; or from literature describing such activity.
- b. Those who possess child pornography may collect sexually explicit or suggestive materials, in a variety of media, including photographs, magazines, motion pictures, videos, books, slides and/or drawings or other visual media. Such individuals often use these materials for their own sexual arousal and

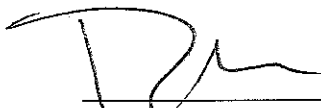
gratification. Further, they may use these materials to lower the inhibitions of children they are attempting to seduce, to arouse the selected child partner, or to demonstrate the desired sexual act.

- c. Those who possess child pornography often possess and maintain their “hard copies” of child pornographic material, that is, their pictures, films, videos, magazines, negatives, photographs, correspondence, mailing lists, books, tape recordings, etc., in the privacy and security of their home or some other secure location. These individuals sometimes retain pictures, films, videos, photographs, negatives, magazines, correspondence, books, tape recordings, mailing lists, and child erotica for many years.
- d. Likewise, those who possess child pornography often maintain their collections that are in a digital or electronic format in a safe, secure and private environment, such as a computer, or other digital device, and surrounding area. These collections are often maintained for several years and are kept close by, to enable the collector to view the collection, which is valued highly. In many cases, the individual may try to hide the collection or may use a computer, such as a laptop, that can easily be transported from one location to another, in order to keep his collection private and not make it known to other individuals he or she may be residing with.
- e. Those who possess child pornography also may correspond with and/or meet others to share information and materials; often maintain correspondence from other child pornography distributors/collectors; conceal such correspondence as they do their sexually explicit material; and often maintain lists of individuals with whom they have been in contact and who share the same interests in child pornography.
- f. Those who possess child pornography prefer not to be without their child pornography for any prolonged time period. This behavior has been documented by law enforcement officers involved in the investigation of child pornography throughout the world.

### CONCLUSION

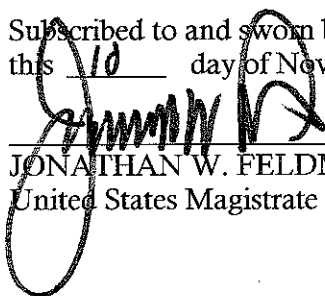
Based upon the forgoing, the undersigned respectfully submits that there is probable cause to believe that evidence, fruits and instrumentalities of violations of Title 18, United States Code, Section 2252A(a)(5)(B), as specifically described in Attachment B to this application, are presently located within the SUBJECT ITEMS. The undersigned therefore respectfully requests that the attached

warrant be issued authorizing a search and seizure for the items listed in Attachment B within the SUBJECT ITEMS, more particularly described in Attachment A to this application.



Barry W. Couch  
Special Agent  
Federal Bureau of Investigation

Subscribed to and sworn before me  
this 10 day of November, 2015.



JONATHAN W. FELDMAN  
United States Magistrate Judge